

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES CHRISTOPHER SCHMIDT,	)	
	)	
Plaintiff,	)	4:06CV3285
	)	
v.	)	
	)	
DUSTY BRYNER, DARRIN KREMER,	)	MEMORANDUM AND ORDER
and JOHN KISS, individually	)	
and in their official	)	
capacities, CITY OF ALLIANCE,	)	
and JOHN DOES 1-10,	)	
	)	
Defendants.	)	
	)	

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The defendants have moved to extend the deadline for filing motions for summary judgment to March 31, 2008. The plaintiff does not oppose this motion provided the May 19, 2008 trial date is not altered by the granting of the motion. However, under the court's local rules, a summary judgment motion filed on March 31, 2008 will not be ripe for determination until May 5, 2008, leaving the court with very little time to consider the merits of any summary judgment motion filed on or near the proposed extended deadline.

IT THEREFORE HEREBY IS ORDERED:

1. The defendants' motion to extend the summary judgment deadline, filing 47, is granted.
2. The parties are given until March 31, 2008 to file summary judgment motions. Pursuant to Nebraska General Rule 1.1(c), to permit the court an opportunity to adequately consider the merits of any motion filed:
  - a. The response deadline set forth in Nebraska Civil Rule 56.1(b)(2) is changed. A party's response to a summary judgment motion must be filed within ten (10) days after the motion was filed, such days to be counted in accordance with Rule 6 of the Federal Rules of Civil Procedure.

- b. Contrary to Nebraska Civil Rule 7.1(c), no reply brief shall be filed absent leave of the court for good cause shown.
  - c. In all other respects, the parties shall comply with the local rules in filing and responding to any summary judgment motion.
- 3. The pretrial conference currently scheduled for April 7, 2008 in North Platte, Nebraska is re-scheduled and will be held before the undersigned on May 13, 2008 at 1:00 p.m. in Lincoln, Nebraska.
  - 4. Motions in limine shall be filed on or before April 28, 2008, and any response to these motions shall be filed on or before May 5, 2008.
  - 5. The parties' trial briefs and proposed jury instructions shall be submitted to the court at the pretrial conference.
  - 6. Trial of this case remains set for May 19, 2008 in North Platte, Nebraska.

DATED this 5<sup>th</sup> day of March, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge